

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS KELLY,

Petitioner,

v.

SUPERINTENDENT LEMPKE,

Respondent.

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BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

After having reviewed Magistrate Judge Ellis' Report and Recommendation dated April 7, 2011, and having received no objections thereto, I hereby confirm and adopt the Report in its entirety, having been satisfied that there is no clear error on the face of the record. See King v. Greiner, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); see also Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). Accordingly, the writ of habeas corpus is DENIED.

The parties' failure to file written objections precludes appellate review of this decision. See Caiodor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008).

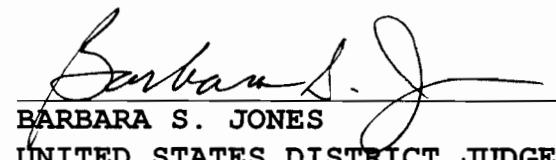
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: 08 Cv. 8241 (BSJ)

: **Order**

The Clerk of the Court is directed to close the case.

SO ORDERED:



BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
June 6, 2011